

REMARKS

Responsive to the requirement imposed in the outstanding Official Action mailed December 26, 2007, applicants hereby provisionally elect GROUP II, claims 14, 15, and 18-20, drawn to multiple emulsions, with traverse.

The grounds for traverse are as follows.

PCT Rule § 13.1 states, "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention)". PCT Rule § 13.2 provides that "Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule § 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art". Thus, the requirement is art-based.

However, applicants submit that the Official Action fails to satisfy the requirements of PCT Rule § 13.1 and PCT Rule § 13.2. While MORIMOTO et al. do discuss emulsions, there is no recognition of an emulsion in accordance with the claimed invention. Indeed, MORIMOTO et al. only deal with multiple emulsions that lack an extractant in the organic phase for the treatment of drug overdoses. The results presented by MORIMOTO

et al. evidence that the oral administration of such emulsions with salicylic acid lower the maximal plasma concentration in the acid of 40%. However, the stability of these emulsions are questionable. Thus, the emulsions of MORIMOTO et al. stand in contrast to the claimed invention.

Thus, in view of the above, applicants respectfully submit that the claimed invention is distinct from MORIMOTO et al. As a result, applicants believe that the Official Action fails to satisfy its burden in showing that the claims lack a special technical feature.

Regarding GROUP III and IV, the claims of these groups are directed to the use of emulsions according to GROUP II. GROUP VII does relate to GROUP II in that GROUP VII is directed to a hydrophilic surfactant in the external aqueous phase of a water-in-oil-in-water emulsion. At this time, applicants note that claims 1-13 have been canceled and new claims 24-36 have been added. The new claims are directed to the methods of using the emulsions of the invention.

In view of the above, applicants believe that all of the claims are sufficiently related so as to warrant a search and examination of all the claims in their full scope.

Such action is respectfully requested at this time.

Please charge the requisite fee of \$150 for the three extra claims of any type to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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